

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRITON PROPERTY INVESTMENTS,
LLC,

Plaintiff,

v.

RICHARD GEORGE, et al.,

Defendants.

Case No. 21-cv-03024-VC

**ORDER GRANTING MOTION TO
REMAND**

Re: Dkt. No. 8

Triton's motion to remand is granted. The Court lacks federal question jurisdiction because the claim against the defendants arises under state law. *See* 28 U.S. Code § 1331. The defendants cannot assert federal question jurisdiction on the basis of constitutional defenses they might raise. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). Diversity jurisdiction cannot support removal either because the parties are not diverse. *See* 28 U.S.C. § 1332(a). Triton's request for costs, attorney's fees, and sanctions is denied, but the defendants are warned that if they remove the case again, and if Triton is forced to file another motion to remand, the Court will seriously consider imposing monetary sanctions. The Clerk of the Court is instructed to remand the case the California Superior Court, San Mateo County.

IT IS SO ORDERED.

Dated: May 21, 2021



VINCE CHHABRIA
United States District Judge